

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FILED

January 21, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: Jennifer Clark
DEPUTY

NCS MULTISTAGE INC.,
NCS MULTISTAGE, LLC,

Plaintiffs,

vs.

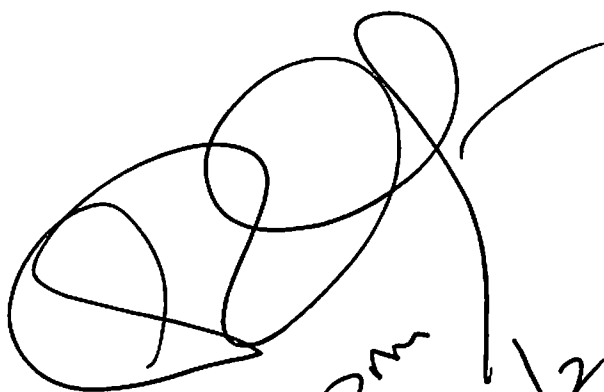
NINE ENERGY SERVICE, INC.,

Defendant.

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CIVIL ACTION NO. 6:20-cv-00277-ADA

JURY VERDICT FORM


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JURY VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein, "NCS" means Plaintiffs NCS Multistage Inc. and NCS Multistage, LLC and "Nine" means Defendant Nine Energy Service, Inc. As used herein, "the '445 Patent" refers to U.S. Patent No. 10,465,445.

We, the jury, unanimously agree to the answers to the following questions and return them as our verdict in this case:

I. Direct Infringement

Directions - Question No. 1

In answering the Questions below, please answer “Yes” or “No” for each BreakThru™ Device for each listed asserted claim in the space provided.

Question No. 1: Has NCS proven by a preponderance of the evidence that Nine directly infringes the following asserted claims of the '445 Patent?

	BreakThru™ Device Version 1	BreakThru™ Device Version 2
Claim 28:	<u>Yes</u>	<u>Yes</u>
Claim 29:	<u>Yes</u>	<u>Yes</u>

Please proceed to Question No. 2.

II. Indirect Infringement**Directions - Question No. 2**

In answering the Questions below, please answer "Yes" or "No" for each BreakThru™ Device for each listed asserted claim in the space provided.

Question No. 2: Has NCS proven by a preponderance of the evidence that Nine has induced infringement of those claims of the '445 Patent?

	BreakThru™ Device Version 1	BreakThru™ Device Version 2
Claim 36:	<u>Yes</u>	<u>Yes</u>
Claim 39:	<u>Yes</u>	<u>Yes</u>
Claim 50:	<u>Yes</u>	<u>Yes</u>
Claim 51:	<u>Yes</u>	<u>Yes</u>
Claim 52:	<u>Yes</u>	<u>Yes</u>
Claim 55:	<u>Yes</u>	<u>Yes</u>
Claim 56:	<u>Yes</u>	<u>Yes</u>
Claim 57:	<u>Yes</u>	<u>Yes</u>

Please proceed to Question No. 3.

III. Validity**Directions - Question No. 3**

In answering the Questions below, please check "Yes" or "No" for each listed asserted claim in the space provided.

Question No. 3: Has Nine proven by clear and convincing evidence that following asserted claims of the '445 Patent are invalid?

Claim 28:	Yes _____	No <u> X </u>
Claim 29:	Yes _____	No <u> X </u>
Claim 36:	Yes _____	No <u> X </u>
Claim 39:	Yes _____	No <u> X </u>
Claim 50:	Yes _____	No <u> X </u>
Claim 51:	Yes _____	No <u> X </u>
Claim 52:	Yes _____	No <u> X </u>
Claim 55:	Yes _____	No <u> X </u>
Claim 56:	Yes _____	No <u> X </u>
Claim 57:	Yes _____	No <u> X </u>

Please proceed to Question 4.

IV. Damages

Directions - Question No. 4

In answering the Question below, provide a numerical amount in the blank space.

Question No. 4: Answer the following question if there is at least one claim of the '445 Patent for which you answered "Yes" in Question 1 or if there is at least one claim of the '445 Patent for which you answered "Yes" in Question 2, and for at least one of those claims you answered "No" in Question 3.

What is the amount of damages you find NCS has proven by a preponderance of the evidence that would compensate NCS for Nine's infringement of the '445 Patent?

\$ 486,400.00

Please proceed to final page.

V. End of Verdict Form

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed this 21st day of January, 2022.

A large black rectangular box redacting the signature of the Jury Foreperson.

Jury Foreperson